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Frank C. Leach, Jr.
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Lexington, KY 40522

In re Application of ALLEN ET AL.
Appl. No.: 10/751,620
Filed: January 06, 2004
For: Control Device For A Railroad Car

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: **DECISION ON PETITION**
: **FOR SUPERVISORY**
: **REVIEW**
: 37 CFR 1.181
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This is a decision on the petition filed February 13, 2006 for supervisory review of an examiner's action under 37 CFR 1.181. Petitioner requests the relief of withdrawal of the finality of the Office action and issuance of a new complete Office action.

The petition is **Dismissed**.

Petitioner alleges multiple deficiencies in the Office action of January 30, 2006. Upon review of the instant petition, Supervisory Patent Examiner (SPE) Morano initiated an interview with the petitioner to discuss the subject matter of the petition and the art of record in the case. In response to this interview and a request for reconsideration filed April 16, 2006, a Notice of Allowance was mailed on May 3, 2006. Since the application is now allowed, the issue of whether the Final Rejection of January 30, 2006 was premature and incomplete is now moot. Accordingly, applicant's petition is dismissed as such.

Telephone inquiries regarding this decision should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684. Telephone inquiries regarding the status of the claims and other examination related issues should be directed to the examiner of record, Robert J. McCarry, at (571) 272-6683.

John Love
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SJM: 5/3/06